

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 528 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

RAMUBHAI HARIBHAI GOSWAMI

Versus

STATE OF GUJARAT

Appearance:

MR UM SHASTRI for Petitioner

Ms. H.N.Devani, Asstt. G.P. for Respondent No. 1

MR MH RATHOD for Respondent No. 2

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 03/08/1999

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr.
M.H.Rathod, learned Advocate appearing for respondent
No.2 Nagarpalika and Ms. H.N.Devani, learned AGP for
respondent No.1. The petitioner has alleged that he has
been physically handicapped person belonging to socially
back ward community and had his place of business

(cabin-four wheeler) situated out side the main bus stand at Deesa. The respondent Nagarpalika wanted to construct the shopping centre and that is how the petitioner was required to vacate the said site. The petitioner has, therefore, moved this petition for obtaining appropriate reliefs. Notice was issued by order dated 29th January, 1998 and status quo was granted. However, the status quo stood vacated as per order dated 11th September, 1998. It is the grievance of the petitioner herein that inspite of the representation made by the petitioner, alternative site has yet not been provided for to the petitioner. Mr. Rathod, learned advocate appearing for respondent No.2 Nagarpalika submits that the representation which is stated to have been made at page 8 will be decided as expeditiously as possible. However, in order that there may not be any dispute with regard to nonreceipt of the representation, it would be proper for the petitioner to make fresh representation. Mr. Pandya has no objection for making fresh representation. Following order is, therefore, passed:

The petitioner will make fresh representation to respondent No.2 Nagarpalika for allotment of suitable site to the petitioner, within one week from today. The respondent No.2 Nagarpalika will decide the said representation as expeditiously as possible, preferably within one month from the date of receipt of such representation. Whatever decision taken on such representation will be communicated to the petitioner. Subject to what is stated above, rule is discharged with no order as to cost.

3.8.1999. (M.S.Parikh,J.)

Vyas